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June 11, 2004

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Re: Riverside Energy Resource Center Project (04-SPPE-01) – CURE Data Requests, Set Three (Nos. 16-59)

Dear Messrs. Tateosian and Lincoln:

California Unions for Reliable Energy (CURE) submits this third set of data requests to the applicant for the Riverside Energy Resources Center Project pursuant to Title 20, section 1716(b), of the California Code of Regulations. The requested information is necessary to: (1) more fully understand the project; (2) assess whether the project will be constructed and operated in compliance with LORS; (3) assess whether the project will result in significant environmental impacts; (4) assess whether the project will be constructed and operated in a safe, efficient and reliable manner; and (5) assess potential mitigation measures.

Pursuant to section 1716(f) of the Energy Commission's regulations, written responses to these requests are due within 30 days. If you are unable to provide or object to providing the requested information by the due date, you must send a written notice of your objection(s) and/or inability to respond, together with a

statement of reasons, to Commissioners Pfannenstiel and Geesman and to CURE within 10 days.

Please contact us if you have any questions. Thank you for your cooperation with this request.

Sincerely,

Suma Peesapati

SP:bh
Attachment

Riverside Energy Resource Center Project
(Docket No. 04-SPPE-01)
CURE Data Requests Set 3 (Nos.16-59)

AIR QUALITY

Background

Under CEQA, the air quality impacts of the Project must be mitigated to the point of insignificance if there is any feasible mitigation. Also, the environmental document prepared for the Project must analyze the environmental impacts of proposed mitigation measures themselves. See CEQA Guidelines § 15126(c). The Energy Commission has recognized the importance of this analysis in a number of cases. For example, the importance of understanding the location of offsets the applicant plans to use as mitigation was also revealed in the Los Medanos case, where the staff favored and the Commission required offsets from nearby locations due to the localized impacts of the type of emissions involved with that project. *See* Commission Final Decision on Pittsburg District Energy Facility, August 17, 1999, p. 100. Similarly, in the Tesla case, recognizing the phenomenon of transport pollution (where pollution from one area is largely blown to another area due to wind patterns), the CEC will likely require the applicant to fund pollution reduction programs from the San Joaquin Air Basin, even though the project was being proposed in the Bay Area Air Basin. *See* Revised Presiding Member's Proposed Decision, date online: May 13, 2004 , pages 145 - 175.

Data Requests

For each pollutant the project will emit into the air, please identify the following information on any and all offsets procured or to be procured by the applicant:

16) The type of pollutant represented by the offset;
17) The quantity of each offset;
18) The date on which the offset was created or will be created;
19) The manner in which the offset was generated or will be generated;
20) The expiration date of the offset.

LAND USE

Background:

The maps in the Application are inconsistent and incomplete. The boundaries of the Project site are different on the various maps included in the Application. See, for example, the Zoning Classification figure, following page 112; the Regional Geologic Map, following page 186; Drawing M1-3, following page 2; Fig. 6.7-1; Fig. 6.7-2; and Drawing C1-2, following p. 232. Similarly, the Zoning Classification map following page 112 shows that a trail touches the northwest and north east corners of the Project site. The USGS 7-1/2 minute quad map for the site, Riverside West, also suggests that a trail borders these two corners. However, other maps suggest that the trail is more distant from the project site.

Data Requests:

21) Please clarify which boundary accurately reflects the proposed plant site.

22) Please prepare a map that precisely locates and labels both the recreational trail and the Project site.

NOISE

Background:

The Application indicates that 25-hour, long-term noise data were collected at three locations at microphone heights of 5 feet and 15 feet. The Application indicates that the data is included in Appendix 6.7-A. (Application, p. 201.) A summary of the data for one site, LT-1, at the 5-foot elevation, is included in Appendix 6.7-A. However, the data for LT-1 at 15 feet and for the other two sites is not.

Data Requests:

23) Please provide a summary of the noise data collected at LT-1 at 15 feet and at LT-2 and LT-3 for both 5 feet and 15 feet elevations, comparable to that provided for LT-1 in Appendix 6.7-A.

24) Please provide an electronic copy of the raw noise data in ASCII format collected at each station, as downloaded from the Larson Davis 820 SLM.

Background:

The Application indicates that short-term noise data were collected at 12 locations and that these measurements are provided in Appendix 6.7-A and summarized in Table 6.7-2. (Ap., p. 201.) However, Appendix 6.7-A does not contain any support for the measurements summarized in Table 6.7-2. Further, Table 6.7-2 is marked "DRAFT."

Data Requests:

25) Please provide the supporting data for all short-term noise measurements that was omitted from Appendix 6.7-A.

26) Please provide an electronic copy of the raw noise data in ASCII format collected at each short-term station, as downloaded from the Larson Davis Model 712 SLM.

27) Please provide a final copy of Table 6.7-2.

Background:

The nearest acknowledged sensitive receptors are hikers on the recreational trail and noise monitoring site ST-5, located some 690 feet from the acoustic center of the Project site. The noise study collected 25 hours of noise data at the residential sensitive receptors, which are much more distant, but not along the trail. Only 20 minutes of noise data were collected at ST-5, starting at 6 PM on 3/17/04, a Wednesday. (Application, Table 6.7-2.) This is likely not the quietest period that would be experienced by hikers. The noise analysis should have collected 25 hours of data at ST-5 due to its proximity to the site and noise sensitive nature, particularly in the early morning hours.

Data Requests:

28) Please provide 25-hours of noise data at ST-5 for a Sunday.

Background:

The noise impact analysis is based on CEC significance thresholds summarized in Table 6.7-4. The CEC thresholds are calculated by adding 5 dB to the measured CNEL and Leq. However, the measured CNELs and Leqs reported in Table 6.7-4 are inconsistent with summary data presented in Table 6.7-1. Further, the procedure used to calculate these thresholds appears to be inconsistent with those used in other siting cases. The CEC normally requires

that a plant not increase noise levels by more than 5 dBA above existing background measurements, or the most stringent absolute noise level required by any applicable LORS. The CEC's noise significance criterion is calculated by adding 5 dB to the lowest L90 based on 25 hours of data, not to the CNEL or the Leq. The noise significance thresholds would be much lower, and the noise impacts significant, if the lowest L90 had been used to calculate noise significance thresholds. For example, the significance threshold for the recreational trail would have been 45 dBA, rather than 51 dBA.

Data Requests:

29) Please reconcile the difference between the CNEL and Leq values reported in Table 6.7-4 and those summarized in Table 6.7-1. If the information in Table 6.7-1 represents an average, please provide supporting calculations and identify all assumptions that your calculations are based on.

30) Please revise Table 6.7-4 to calculate noise significance thresholds based on the lowest measured L90, using 25 hours of data for each sensitive receptor.

31) Please revise the operational noise impact analysis summarized in Figure 6.7-2 and Table 6.7-6 to use the revised significance thresholds.

32) Please revise the construction noise impact analysis in Table 6.7-5 to use the revised significance threshold.

Background:

The noise analysis concludes that noise impacts are significant if they result in a 5 dB increase above existing noise levels during either construction or operation. (Application, p. 203.) The results of the operational analysis, summarized in Figure 6.7-2, appears to show that the 5 dB noise contour intersects the recreational trail. An increase of 5 dB or more is normally a significant impact.

Data Requests:

33) Please revise Figure 6.7-2 to label the red contour and the recreational trail to clarify what is depicted.

34) Please explain why a 5 dB increase in noise levels during Project operation on or near the recreational trail does not constitute a significant noise impact.

35) The text indicates that Figure 6.7-2 shows the area "where there is a potential increase of 5 dB or more over existing noise levels during normal plant operation." (Application, p. 204.) Please disclose the "existing noise level" used to estimate this contour.

36) Please provide an electronic file that contains the detailed calculations used to generate the 5 dB noise contour on Figure 6.7-2.

37) Please explain why Table 6.7-6 shows a 0 dB increase on the recreational trail, location ST-5, while Figure 6.7-2 shows a 5 dB increase.

Background:

The results of the operational noise analysis, summarized in Table 6.7-6, suggests that noise levels would increase by 5 dB at LT-2, ST-1, ST-3, ST-4, ST-10, and ST-12. An increase of 5 dB or more is normally a significant impact.

Data Requests:

38) Please explain why the 5 dB increase in operational noise levels at LT-2, ST-1, ST-3, ST-4, ST-10, and ST-12 are not significant.

39) Please provide an electronic file that contains the detailed calculations that support the column labeled "CEC" in Table 6.7-6.

Background:

The results of the construction noise analysis, summarized in Table 6.7-5, indicates that Project construction will increase noise levels along the recreational trail north of the site by 5 dB. An increase of 5 dB or more is normally a significant impact.

Data Requests:

40) Please explain why noise impacts along the recreational trail during construction are not significant.

Background:

The construction noise impact analysis is summarized in Table 6.7-5. The text briefly explains how the analysis was performed, but does not provide any supporting calculations or sufficient detail to replicate the analysis. The

assumptions about the number of pieces of equipment that would be operating and load appear to conflict with assumptions used in the construction emission analysis in Appendix 6.1D.

Data Requests:

41) Please provide an electronic file that contains the detailed calculations that support the construction noise impact analysis in Table 6.7-5.

42) Will pile drivers be used to construct the project? If no, please explain why not. If yes, please identify the type of pile driver, the number that will be operating at any one time, and their operating schedule.

Background:

A Small Power Plant Exemption ("SPPE") requires that a project will not have any adverse impacts and that all potentially significant environmental impacts will be mitigated to the point of insignificance. The noise analysis acknowledges that the Project would result in a significant noise impact that cannot be fully mitigated. (Application, p. 205.)

Data Requests:

43) Please explain why, given this impact, that you believe the Project qualifies for a SPPE.

Background:

The last 3,000 feet of the transmission line will be located within about 40 feet of residential property. (Application, p. 206.) The Application did not evaluate the impact of constructing the transmission line on these residential properties, but instead concluded that the activities would be temporary and would not generate any noise. (Application, p. 206.)

Data Requests:

44) Please provide a quantitative analysis of the impact of transmission line construction on adjacent residential properties.

Background:

The Hidden Valley Wildlife Area is immediately north of the plant site. (Application, p. 118, 131.) This area contains wetlands and a riparian corridor

and supports a wealth of sensitive species and habitats, including the largest population of an endangered bird species. The Application did not evaluate the impact of noise on wildlife.

Data Requests:

45) Please provide an analysis of the impact of noise on wildlife in the Hidden Valley Wildlife Area.

WATER RESOURCES

Background:

The Zoning Classification figure following page 112 in the Application shows a well on the western property boundary. This same well is shown on the USGS quad for Riverside West. The Application does not discuss this well.

Data Requests:

46) Please indicate whether this well is currently in use and if so, whether Project construction and operation will disturb it.

Background:

The Project's northern boundary abuts the 100-year floodplain boundary. The Application states, with no analysis, that the Project would not be affected by flooding. (Application, p. 327.) The site is characterized as being enclosed by a berm along its northern, eastern, and southern edges. This "berm" was apparently created by excavating fill from the Project site, lowering the Project site compared to the surround land area. (Application, p. 9.) The Application does not indicate whether the "berm" would protect the site from flooding.

Data Requests:

47) Does the conclusion that flooding would not be significant rely on the presence of the berms?

48) Please provide an engineering drawing that shows the dimensions of the berms relative to the surrounding land area.

49) Are the site berms designed to withstand a 100-year flood? If yes, please provide design criteria and supporting geotechnical analyses.

Background:

Reclaimed water from the City's Water Quality Control Plant is used to support the Hidden Valley Wildlife Area wetlands just north of the Project site. (Application, p. 131.) The Application does not evaluate the impact on these wetlands of diverting a portion of the water currently routed to the wetlands.

Data Requests:

50) Please evaluate the water quality, water supply, and biological impacts of reducing the flow of reclaimed water to these wetlands.

Background:

The Project would use reclaimed water from the City's Water Quality Control Plant. The Application identifies the major constituents in this water supply but does not identify the organics or metals, such as arsenic, mercury, cadmium and lead. (Application, Table 2.7-1, p. 20.) The reclaimed water will be injected into the turbine combustors to control NOx or used in the cooling tower. Metals and other contaminants present in the reclaimed water will be emitted at the turbine exhaust stack and from the cooling towers, potentially adversely impacting wildlife in the nearby Hidden Valley Wildlife Area or nearby residents and workers.

Data Requests:

51) Please provide complete chemical characterization data for the reclaimed water, including trace organics and metals.

Background:

The Process Flow Diagram following page 20 indicates that water use would generate 856 lb / day of solid wastes. (Application, Drawing M2-1.) The Application does not divulge the source or composition of this waste stream.

Data Requests:

52) Please provide the chemical and physical composition of the solid waste stream, including moisture content, organics and metals.

53) Please indicate whether this waste stream would be hazardous, state the basis for your conclusion and present all calculations and chemical analyses that support your answer.

54) Please reveal the disposition of this waste steam including:

55) whether it will be stored in open ponds or closed containers on site;
56) the number and type of trucks and other equipment that will be used to handle and transport the waste;
57) identity of landfill where the waste will be disposed.

BIOLOGY

Background:

Sensitive biological species are present in the Hidden Valley Wildlife Area, immediately north of the Project. The public health section of the Application deals only with impacts to humans. The biological resources section does not consider the impact of toxic emissions on wildlife. The standards and protocols for ecological risk assessments are well established and widely used both at the federal and state levels. EPA has issued guidance documents for this purpose. *See* Framework for Ecological Risk Assessments, February 1992 (EPA/630/R-92-001). Similarly, the State of California has such guidance in place. *See* Guidance for Ecological Risk Assessment at Hazardous Waste Sites and Permitted Facilities, July 4, 1996, Department of Toxic Substances and Control.[1] The potential environmental impacts of the Project – located next to a series of specially created habitats containing broad populations of endangered species – cannot be evaluated without an assessment of the toxic emissions' impacts on these species and their habitat and the development of appropriate mitigation.

Data Requests:

58) Please prepare an analysis of the impacts of toxic emissions during Project construction and operation on the wildlife that uses the Hidden Valley Wildlife Area.

[1] *See also*, EPA, *Wildlife Exposure Factors Handbook*; G. W. Suter II, *Guide for Developing Conceptual Models for Ecological Risk Assessment and Methods and Tools for Estimation of the Exposure of Terrestrial Wildlife to Contaminants*, Report ORNL/TM-13391.

SOCIOECONOMICS

Background:

The Hidden Valley Wildlife Area and associated trail system is located immediately north of the Project. The Application does not contain an analysis of the impact of Project construction and operation on recreation in this Area. The analysis of the Project's visual and noise impacts does not constitute an evaluation of this broader impact on recreation. It is clear that such impacts must be specifically considered under CEQA. This is a major deficiency in the Application which must be corrected.

Data Requests:

59) Please provide an analysis of the impact of Project construction and operation on recreational opportunities in the Hidden Valley Wildlife Area.

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of: The Application for Certification for the CITY OF RIVERSIDE PUBLIC UTILITIES RIVERSIDE ENERGY RESOURCE CENTER	Docket No. 04-SPPE-1

PROOF OF SERVICE

I, Bonnie Heeley, declare that on June 11, 2004, I deposited copies of the attached CURE DATA REQUESTS SET THREE (Nos. 16-59) in the United States mail at South San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

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I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, California, on June 11, 2004.

_____

Bonnie Heeley